



Steven W. Troxler
Commissioner

North Carolina Department of Agriculture
and Consumer Services
Veterinary Division

R. Douglas Meckes, DVM
State Veterinarian

February 24, 2016

Lisa Lee
Colonial Capital Humane Society
1860 Old Airport Road
New Bern, North Carolina 28563

Notice of Warning and Notice of Deficiency

Re: Violation of Title 02, N. C. Administrative Code ("NCAC") Chapter 52J, Sections .0101(1-5); .0103; .0201 (a), (d), (e) and (i); .0202 (b); .0203 (a), (b), and (e); .0204 (a-c) and (e-g); .0207 (a-d); .0208; .0209 (3), (5) and (6); and .0210 (b) and (c).

AWS-WL-2016-4

Shelter: Colonial Capital Humane Society Animal Shelter
Certification No. 109

Dear Ms. Lee:

The Animal Welfare Section ("AWS") of the Veterinary Division of the N. C. Department of Agriculture and Consumer Services ("NCDA&CS") conducted facility inspections of the Colonial Capital Humane Society Animal Shelter ("the shelter") on December 4, 2015 and December 29, 2015 as well as a records inspection on January 8, 2016. The facility inspections were marked "Disapproved" due to the number and severity of the deficiencies as reflected in the inspection reports attached hereto.

At the time of the records inspection, the shelter was directed to seek immediate veterinary care for the dog named Shrek and to provide AWS the following documents within thirty (30) days:

- 1) a complete cleaning and sanitation protocol for the facility that had been approved by a veterinarian;
- 2) completed disposition forms for all animals that had been or continue to be in the care and custody of the shelter from May 2015 until the date of the document submission;
- 3) a list of all animals currently in the care and custody of the shelter with completed disposition forms, a list of all animals currently in the care and custody of the shelter that arrived prior to May 2015 that do not have completed disposition forms and the date of arrival of each for these animals;

- 4) a written veterinary care program to address the contagious disease(s) present in the cat population, including but not limited to proper isolation techniques, sanitation protocols, veterinary care, medication administration and documentation;
- 5) medication/treatment/preventative administration medical logs that contain all information required by the NC Animal Welfare Act ("AWA") and its associated rules; and
- 6) documentation of the provision of daily socialization of young animals and those animals in long term care.

Despite the directive given to the shelter on January 8, 2016, veterinary care for Shrek was not provided immediately, and was delayed until February 22, 2016. In addition, only a partial response to the request for documentation was provided to AWS on February 22, 2016, instead of a full response on or before February 8, 2016 as directed.

These two facility inspections and additional records inspection, along with the shelter's delayed partial response, show that there are numerous continuing deficiencies and areas of non-compliance with the NC AWA and its associated rules. Despite being given the opportunity to correct these deficiencies and supply AWS with all requested records, the shelter has failed to do so.

Based on the results of the inspections, you are in violation of the following regulations:

- 1) 02 NCAC 52J .0101(1-5);
- 2) 02 NCAC 52J .0103;
- 3) 02 NCAC 52J .0201 (a), (d), (e) and (i);
- 4) 02 NCAC 52J .0202 (b);
- 5) 02 NCAC 52J .0203 (a), (b), and (e);
- 6) 02 NCAC 52J .0204 (a-c) and (e-g);
- 7) 02 NCAC 52J .0207 (a-d);
- 8) 02 NCAC 52 J .0208;
- 9) 02 NCAC 52J .0209 (3), (5) and (6); and
- 10) 02 NCAC 52J .0210 (b) and (c).

Pursuant to N. C. General Statute §19A-30, this Warning Letter, in conjunction with the two enclosed Inspection Reports, serves as written notice indicting the respects in which the shelter has failed to satisfy the requirements for the holding of a certificate of registration as an animal shelter.

The shelter is directed to provide all of the documentation listed above. Failure to provide this documentation by March 15, 2016 shall be considered to be a willful disregard or violation of the NC Animal Welfare Act and the rules issued pursuant thereto.

In addition, the shelter is to correct all deficiencies described in the two enclosed facility inspections within 30 days of the date of receipt of this letter. Continued or future violation of these statutes or regulations will be considered to be a willful disregard or violation of the same. Such willful disregard or violation of the NC Animal Welfare Act and the rules issued pursuant thereto may result in disciplinary action against your facility's certificate of registration pursuant to N. C. General Statute §19A-30 and/or the assessment of a civil penalty of up to \$5,000.00 per violation under N. C. General Statute §19A-40.

Your immediate attention to this matter is appreciated.

Sincerely,

A handwritten signature in black ink, appearing to read "Patricia Norris", with a stylized flourish at the end.

Patricia Norris, DVM, MS
Director of Animal Welfare Section
Veterinary Division

cc: Dr. R. Douglas Meckes, State Veterinarian
Joe Reardon, Assistant Commissioner, NCDA&CS
Tina Hlabse, General Counsel, NCDA&CS
Christopher R. McLennan, Assistant Attorney General

Appendix

RELEVANT LAWS AND REGULATIONS

§ 19A-30. Refusal, suspension or revocation of certificate or license.

The Director may refuse to issue or renew or may suspend or revoke a certificate of registration for any animal shelter or a license for any public auction, kennel, pet shop, or dealer, if after an impartial investigation as provided in this Article he determines that any one or more of the following grounds apply:

- (1) Material misstatement in the application for the original certificate of registration or license or in the application for any renewal under this Article;
- (2) Willful disregard or violation of this Article or any rules issued pursuant thereto;
- (3) Failure to provide adequate housing facilities and/or primary enclosures for the purposes of this Article, or if the feeding, watering, sanitizing and housing practices at the animal shelter, public auction, pet shop, or kennel are not consistent with the intent of this Article or the rules adopted under this Article;
- (4) Allowing one's license under this Article to be used by an unlicensed person;
- (5) Conviction of any crime an essential element of which is misstatement, fraud, or dishonesty, or conviction of any felony;
- (6) Making substantial misrepresentations or false promises of a character likely to influence, persuade, or induce in connection with the business of a public auction, commercial kennel, pet shop, or dealer;
- (7) Pursuing a continued course of misrepresentation of or making false promises through advertising, salesmen, agents, or otherwise in connection with the business to be licensed;
- (8) Failure to possess the necessary qualifications or to meet the requirements of this Article for the issuance or holding of a certificate of registration or license.

The Director shall, before refusing to issue or renew and before suspension or revocation of a certificate of registration or a license, give to the applicant or holder thereof a written notice containing a statement indicating in what respects the applicant or holder has failed to satisfy the requirements for the holding of a certificate of registration or a license. If a certificate of registration or a license is suspended or revoked under the provisions hereof, the holder shall have five days from such suspension or revocation to surrender all certificates of registration or licenses issued thereunder to the Director or his authorized representative.

A person to whom a certificate of registration or a license is denied, suspended, or revoked by the Director may contest the action by filing a petition under G.S. 150B-23 within five days after the denial, suspension, or revocation.

Any licensee whose license is revoked under the provisions of this Article shall not be eligible to apply for a new license hereunder until one year has elapsed from the date of the order revoking said license or if an appeal is taken from said order of revocation, one year from the date of the order or final judgment sustaining said revocation. Any person who has been an officer, agent, or employee of a licensee whose license has been revoked or suspended and who is responsible for or participated in the violation upon which the order of suspension or revocation was based, shall not be licensed within the period during which the order of suspension or revocation is in effect. (1977, 2nd Sess., c. 1217, s. 11; 1987, c. 827, s. 67.)

§ 19A-40. Civil Penalties.

The Director may assess a civil penalty of not more than five thousand dollars (\$5,000) against any person who violates a provision of this Article or any rule promulgated thereunder. In determining the amount of the penalty, the Director shall consider the degree and extent of harm caused by the violation. The clear proceeds of civil penalties assessed pursuant to this section shall be remitted to the Civil Penalty and Forfeiture Fund in accordance with G.S. 115C-457.2. (1995, c. 516, s. 6; 1998-215, s. 3.)

02 NCAC 52J .0101 RECORDS; ANIMAL SHELTERS, ETC.

Operators of all animal shelters, pet shops, public auctions, and dealers shall maintain records on all dogs and cats showing the following:

- (1) origin of animals (including names and addresses of consignors) and date animals were received;
- (2) description of animals including species, age, sex, breed, and color markings;
- (3) location of animal if not kept at the licensed or registered facility;
- (4) disposition of animals including name and address of person to whom animal is sold, traded or adopted and the date of such transaction; in the event of death, the record shall show the date, signs of illness, or cause of death if identified; if euthanized, the record shall show date and type of euthanasia; and
- (5) record of veterinary care including treatments, immunization and date, time, description of medication (including name and dosage), and initials of person administering any product or procedure.

History Note: Authority G.S. 19A-24;
Eff. April 1, 1984;
Amended Eff. January 1, 2005; April 1, 1985.

02 NCAC 52J .0103 INSPECTION OF RECORDS

All operators of animal shelters, pet shops, boarding kennels, public auctions, and persons operating as dealers shall make all required records available to the director or his authorized representative on request, during the business and cleaning hours listed on the license application. The operator must be able to match each animal to its record upon request. Records shall be maintained for a period of one year after the animal is released.

History Note: Authority G.S. 19A-24; 19A-25;
Eff. April 1, 1984;
Amended Eff. January 1, 2005; April 1, 1985.

SECTION .0200 - FACILITIES AND OPERATING STANDARDS

02 NCAC 52J .0201 GENERAL

- (a) Housing facilities for dogs and cats shall be structurally sound and maintained in good repair to protect the animals from injury, contain the animals and restrict the entrance of other animals and people.
- (d) Supplies of food and bedding shall be stored in facilities which adequately protect such supplies against infestation or contamination by vermin and insects. All open bags of food shall be stored in airtight containers with lids. Refrigeration shall be provided for supplies of perishable food.
- (e) Provisions shall be made for the daily removal and disposal of animal and food waste, bedding and debris from the housing facility in accordance with local ordinances, to assure facility will be maintained in a clean and sanitary manner.
- (i) An adequate drainage system must be provided for the housing facility.
- (j) All areas of a facility are subject to review or inspection by North Carolina Department of Agriculture and Consumer Services employees during normal business hours (8:00 a.m. through 5:30 p.m. Monday through Friday).
- (k) All animals in a facility are subject to the requirements of the Animal Welfare Act, regardless of ownership.
- (l) A licensee or registrant shall comply with all federal, state and local laws, rules and ordinances relating to or affecting the welfare of dogs and cats in its facility.
- (m) No dog or cat shall be in a window display except during business hours and then only in compliance with standards set forth in this Section.

History Note: Authority G.S. 19A-24;
Eff. April 1, 1984;
Amended Eff. January 1, 2005.

02 NCAC 52J .0202 INDOOR FACILITIES

- (b) Indoor housing facilities for dogs and cats shall be adequately ventilated to provide for the health and comfort of the animals at all times. The facilities shall be provided with fresh air either by means of windows, doors, vents or air conditioning and shall be ventilated so as to minimize drafts. Air flow shall be adequate to minimize odors and moisture condensation.

History Note: Authority G.S. 19A-24;
Eff. April 1, 1984;
Amended Eff. January 1, 2005.

02 NCAC 52J .0203 OUTDOOR FACILITIES

- (a) In outdoor facilities that are subject to the Animal Welfare Act, primary enclosures and walkways with which an animal comes in contact shall be constructed of sealed concrete or other surfaces impervious to moisture. Gravel may be used if maintained at a minimum depth of six inches and kept in a sanitary manner.
- (b) Dogs and cats kept outdoors shall be provided housing to allow them to remain dry and comfortable during inclement weather. Housing shall be constructed of material which is impervious to moisture and which can be disinfected. One house shall be available for each animal within each enclosure except for a mother and its unweaned offspring.
- (e) A suitable method of drainage shall be provided.

History Note: Authority G.S. 19A-24;
Eff. April 1, 1984;
Amended Eff. March 23, 2009; January 1, 2005.

02 NCAC 52J .0204 PRIMARY ENCLOSURES

(a) Primary enclosures shall be constructed so as to prevent contamination from waste and wastewater from animals in other enclosures. All surfaces with which an animal comes in contact shall be impervious to moisture. For primary enclosures placed into service on or after January 1, 2005, no wood shall be within the animal's reach. For primary enclosures in use in a licensed or registered facility prior to January 1, 2005, any damaged wood must be replaced in a manner that does not permit contact with wood by the animal.

(b) Primary enclosures for dogs and cats shall be structurally sound and maintained in good repair and in a manner to prevent injury to animals and keep other animals out. Primary enclosures shall be constructed so as to provide space to allow each dog or cat to walk, turn about freely, and to easily stand, sit, or lie in a natural position. The height of a primary enclosure other than a cage shall be no less than five feet. All enclosures shall be constructed to prevent the escape of animals.

(c) Each primary enclosure shall be provided with a solid resting surface or surfaces adequate to comfortably hold all occupants of the primary enclosure at the same time. All resting surfaces must be of a non-porous or easily sanitized material, such as a towel, or a disposable material such as newspaper. The resting surface or surfaces shall be elevated in primary enclosures housing two or more cats.

(e) If more than four dogs are housed in a common area or enclosure, then there must be at least one person supervising each 10 dogs housed within each enclosure or common area.

(f) In addition to Paragraph (b) of this Rule, each feline older than six months housed in any primary enclosure shall be provided a minimum of four square feet of floor space which may include elevated resting surfaces. Each feline younger than six months shall be provided 1.5 square feet. Not more than 12 cats shall be housed in the same primary enclosure.

(g) In all cat enclosures, a receptacle containing clean litter shall be provided for waste. A minimum of one receptacle per three cats is required.

*History Note: Authority G.S. 19A-24;
Eff. April 1, 1984;
Amended Eff. January 1, 2005; April 1, 1985.*

02 NCAC 52J .0207 SANITATION

(a) Waste shall be removed from primary enclosures and exercise areas to prevent contamination of the dogs or cats contained therein and to reduce disease hazards and odors. Enclosures and exercise areas for dogs and cats must be properly cleaned a minimum of two times per day. The animal must be able to walk or lie down without coming in contact with any waste or debris. When a hosing or flushing method is used for cleaning an enclosure, dogs or cats contained therein shall be removed during the cleaning process, and adequate measures shall be taken to protect the animals in other such enclosures from being contaminated with water and other wastes.

(b) Sanitation shall be as follows:

(1) Prior to the introduction of dogs or cats into empty primary enclosures previously occupied, enclosures and accessories shall be sanitized in the manner provided in Subparagraph (b)(3) of this Rule.

(2) In addition to primary enclosures being properly cleaned a minimum of two times per day, enclosures and accessories shall be sanitized a minimum of once every seven days in the manner provided in Subparagraph (b)(3) of this Rule if the same animal is housed in the same enclosure more than seven days.

(3) Cages, rooms and hard-surfaced pens or runs shall be sanitized by:

(A) washing them with hot water (180 degrees F.) and soap or detergent as in a mechanical cage washer; or

(B) washing all soiled surfaces with a detergent solution to remove all organic matter followed by application of a safe and effective disinfectant; or

(C) cleaning all soiled surfaces with live steam.

(4) Food and water receptacles shall be sanitized daily with hot water, detergent, and disinfectant.

(5) Soiled linens and cloth products shall be mechanically washed with detergent and sanitized.

(6) Any area accessible to multiple animals shall be kept clean and sanitary.

(c) Premises (buildings and grounds) shall be kept clean and in good repair in order to protect the animals from injury and to facilitate the prescribed husbandry practices set forth in this Rule. Premises shall remain free of accumulations of trash, junk, waste products, and discarded matter. Weeds, grasses, and bushes must be controlled so as to facilitate cleaning of the premises and to improve pest control, and to protect the health and well-being of the animals.

(d) An effective program for the control of insects, ectoparasites, and avian and mammalian pests shall be established and maintained.

*History Note: Authority G.S. 19A-24;
Eff. April 1, 1984;
Amended Eff. January 1, 2005; April 1, 1985.*

02 NCAC 52J .0208 EMPLOYEES

A sufficient number of employees shall be utilized to maintain the prescribed level of husbandry practices set forth in this Rule. Such practices shall be under the supervision of an animal caretaker who has a background in animal husbandry or care.

History Note: Authority G.S. 19A-24;
Eff. April 1, 1984.

02 NCAC 52J .0209 CLASSIFICATION AND SEPARATION

Animals housed in the same primary enclosure shall be maintained in compatible groups, with the following additional restrictions:

- (3) Puppies or kittens less than four months of age shall not be housed in the same primary enclosure with adult dogs or cats other than their dams, except when permanently maintained in breeding colonies, or if requested in writing, by the animals' owner, as in a boarding kennel. Puppies or kittens between 4 and 16 weeks of age shall have daily access to human social interaction, excluding animals which pose a danger to humans or other animals.
- (5) All facilities shall designate an isolation area for animals being treated or observed for communicable diseases. Dogs or cats in isolation that are being treated for a communicable disease shall be separated from other dogs or cats and other susceptible species of animals in such a manner as to minimize dissemination of such disease. A sign shall be posted at the cage or isolation area when in use, giving notice of a communicable disease.
- (6) Animals in long term care which are intended for adoption or sale must be provided the following:
 - (a) Daily access to both human and same species social interaction.
 - (b) Daily access to space other than the primary enclosure.
 - (c) A species and size-appropriate toy, unless it poses a health threat.

History Note: Authority G.S. 19A-24;
Eff. April 1, 1984;
Amended Eff. January 1, 2005.

02 NCAC 52J .0210 VETERINARY CARE

(b) If there is a disease problem that persists for more than 30 days at the facility, the facility operator shall obtain and follow a veterinarian's written recommendations for correcting the problem.

History Note: Authority G.S. 19A-24;
Eff. April 1, 1984;
Amended Eff. March 23, 2009; January 1, 2005.

Animal Welfare Section
NC Department of Agriculture and Consumer Services
1030 Mail Service Center
Raleigh, NC 27699-1030
phone: (919) 715-7111 FAX: (919) 733-6431
e-mail: aws.agr@ncagr.gov
URL: www.ncaws.com

Inspection Results		Date of inspection	
Disapproved		Dec 4, 2015	
Type of inspection	Annual inspection	Type of runs	Indoor + Outdoor runs
license type	40 - Private Shelter	License #	109
# dogs present	58	# cats present	
Number of prim. enclosures		90	

35.06374

Latitude

77.03176

Longitude

Colonial Capitol Humane Society

Name of business

Colonial Capitol Humane Society

Name of owner

1860 Old Airport Road

Street address

New Bern

City

NC

28560

ZIP code

Craven

County

+1 (252) 633-0146

Phone Number

Facilities

Inspection Category	Result	Inspection Category	Result	Inspection Category	Result
0201 Housing in sound repair	NOT ACCEPTABLE	0201 Daily waste removal	Acceptable	0201 Perimeter Fence	Acceptable
0201 Meets electrical code	NOT ACCEPTABLE	0201 Hot and cold water present	Acceptable	0201 Adequate drainage	Acceptable
0201 Safe electrical power	NOT ACCEPTABLE	0201 Washroom basin and sink	Accept.	0201 Access to AWS employees	NOT ACCEPTABLE
Food and bedding protected 0201	Acceptable	0201 Thermometer present	Acceptable	0201 Compliance with welfare	NOT ACCEPTABLE
		0201 Animals in windows	Not applicable		

Records, shelter

Inspection Category	Result	Inspection Category	Result	Inspection Category	Result
Origin of animals 0101	NOT ACCEPTABLE	Location off-site 0101	NOT ACCEPTABLE	Disposition of animals 0101	NOT ACCEPTABLE
0101 Descript. of animals, shelter	Not Acceptable			Veterinary treatment, shelter 0101	NOT ACCEPTABLE

Records, kennel

Inspection Category	Result	Inspection Category	Result	Inspection Category	Result
0102 Owner information & signature	Not Applicable	0102 Description of animals, kennel	Not Applicable	0102 Veterinary treatment, kennel	Not Applicable

Records, inspection

Inspection Category	Result	Inspection Category	Result	Inspection Category	Result
0103 Records made available	NOT ACCEPTABLE	0103 Records match animals	NOT ACCEPTABLE	0103 Records kept 1+ year	NOT ACCEPTABLE

Animal Welfare Section, NCDA&CS Inspection Report, continued		Inspection Results Disapproved		Date of inspection Dec 4, 2015	
Colonial Capitol Humane Society		Colonial Capitol Humane Society		New Bern NC	

Indoor facilities					
Inspection Category	Result	Inspection Category	Result	Inspection Category	Result
0202 Ambient temperature, indoor	NOT ACCEPTABLE	0202 Ventilation, indoor	NOT ACCEPTABLE	0202 Lighting, indoor	NOT ACCEPTABLE
0202 Imperv./Sanitary surf., indoor	NOT ACCEPTABLE	0202 Drainage, indoor	NOT ACCEPTABLE		

Outdoor facilities					
Inspection Category	Result	Inspection Category	Result	Inspection Category	Result
0203 Impervious surfaces, outdoor	NOT ACCEPTABLE	0203 Housing, 1 per animal	Acceptable	0203 Protection from elements	Acceptable
0203 Owner advised, outdoor	Not Applicable	0203 Drainage, outdoor	NOT ACCEPTABLE		

Primary enclosures					
Inspection Category	Result	Inspection Category	Result	Inspection Category	Result
0204 Drainage prev. cross contam.	NOT ACCEPTABLE	0204 Fence height >= 5 feet	Acceptable	0204 1:10 ratio, person: animal	NOT ACCEPTABLE
0204 Surf. impervious to moisture	NOT ACCEPTABLE	0204 Enclosure is escape proof	Acceptable	0204 Cats, >= 4 sq. ft. / adult	NOT ACCEPTABLE
0204 Prevent contact with wood	NOT ACCEPTABLE	0204 Solid resting surface	Acceptable	0204 Cats, <= 12 / enclosure	NOT ACCEPTABLE
0204 Enclosures in sound repair	NOT ACCEPTABLE	0204 Cats, raised resting surface	NOT ACCEPTABLE	0204 Cats, 1 litter pan / 3 adults	NOT ACCEPTABLE
0204 Size of enclosure	Acceptable	0204 Dogs, supervision if > 4	Acceptable		

Feeding					
Inspection Category	Result	Inspection Category	Result	Inspection Category	Result
0205 Feeding, 1x / day, adult	Acceptable	0205 Feeding, 1 bowl / adult	Acceptable	0205 Feeding, commercial food	Acceptable
0205 Feeding, bowl in good repair	Acceptable	0205 Feeding, quality food	Acceptable	0205 Feeding, bowl is protected	Acceptable
0205 Feeding, 2x / day, young	Acceptable				

Watering					
Inspection Category	Result	Inspection Category	Result		
0206 Watering, continuous access	Acceptable	0206 Watering, bowl in good repair	NOT ACCEPTABLE		

Sanitation/Employees/Classification & Separation					
Inspection Category	Result	Inspection Category	Result	Inspection Category	Result
0207 Waste removal 2x / day	NOT ACCEPTABLE	0207 Grounds overgrown	Acceptable	0207 Young given social interact.	Acceptable
0207 Animals removed while clean	NOT ACCEPTABLE	0207 Pest Control	Acceptable	0207 Species separated	Acceptable

Animal Welfare Section, NCDA&CS Inspection Report, continued	Inspection Results	Date of inspection
	Disapproved	Dec 4, 2015

Colonial Capitol Humane Society

Colonial Capitol Humane Society

New Bern NC

Sanitation/Employees/Classification & Separation (continued)

Inspection Category	Result	Inspection Category	Result	Inspection Category	Result
0207 Enclosure sanitized 2x / day	NOT ACCEPTABLE	0207 Number of employees	NOT ACCEPTABLE	0207 Isolation area & signage	NOT ACCEPTABLE
0207 Method of sanitation	Acceptable	0207 Females in estrus, separated	Acceptable	0207 Long term care program	NOT ACCEPTABLE
0207 Build/grnds., clean & repair	NOT ACCEPTABLE	0207 Owner perm, commingling	Not Applicable	0207 Animals confined	Acceptable
		0207 Young with dam	Acceptable		

Veterinary Care

Inspection Category	Result	Inspection Category	Result	Inspection Category	Result
0210 Program of veterinary care	Acceptable	0210 Daily observation of animals	Acceptable	0210 Rabies vaccination	NOT ACCEPTABLE
0210 Veterinary care when needed	Acceptable				

Vehicles

0301 Vehicles mechanically sound	Not Applicable	0301 Fresh air and ventilation	Not Applicable	0301 Cargo area clean	Not Applicable
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Primary Enclosure Used in Transportation

Inspection Category	Result	Inspection Category	Result	Inspection Category	Result
0302 Construction of enclosure	Not Applicable	0302 Age and species separated	Not Applicable	0302 Size of transport enclosure	Not Applicable
0302 Enclosure clean & sanitized	Not Applicable				

Transportation: Food and Water

Inspection Category	Result	Inspection Category	Result
0303 Food & water during transport	Not Applicable	0304 Observation of animals	Not Applicable

Transportation: Care

General Statute 19A-32.1

(a) Hold minimum 72 hours	Acceptable	(b) 1, 2, 3 Make available for adopt.	Acceptable	(c) Viewing 3 days for 4 hours each	Acceptable
(d) If animal offsite, photo of animal posted in conspicuous location	Not Applicable	(f) 1, 2, 3 Animals were returned to owner, adopted or euth only	Acceptable	(g) i, ii Owner surrender held unless proof ownership & signed consent	Acceptable
(h) Owned animal surrender, ask if there has been a bite w/in 10 days	NOT ACCEPTABLE	(i) Release animal to person, record of approved government photo ID	NOT ACCEPTABLE		

Inspection Results

Date of inspection

Disapproved

Dec 4, 2015

Colonial Capitol Humane Society

Colonial Capitol Humane Society

New Bern

NC

Narrative Explanation

Annual/follow up inspection done today. Volunteer Tammy Golden in attendance.

Items of concern are as follows:

DOG KENNELS.

Upon entrance to the outside kennel areas I find that the canine population has increased by 25. Kennels have been erected to accommodate this increase. The already existing play/exercise area has been divided into 2 kennels and 5 more have been put up around it. There are approximately 8 more of these enclosures adjacent to the kennels that line the back of the property. All of the recently constructed kennels have rusted and damaged poles and fencing. Wire fencing that was laid on the dirt floor surfaces to prevent digging, is exposed. Thus making it so the dogs have to walk and rest on top it and it poses as a potential for injury. Wood and particle board has been utilized in these enclosures as well. It has been chewed on, defecated and urinated on. Due to the fact that it is not impervious to moisture, some of it is soggy. I find no evidence of adequate drainage. There is no kennel or canine identification on the enclosures.

The preexisting kennels have had no further work done to them to bring them into compliance. Several remain with no cross contamination barriers, damaged and rusted fencing, inadequate drainage, damaged flooring, accumulation of hair and debris and the inability to properly disinfect and maintain cleanliness. A few wooden doghouses and rusted water buckets remain.

CAT HOUSE.

I was denied access to the cat house. During the approximate 2 hours that I was on the property, I saw no evidence of anyone coming or going from the cat house and the volunteer had no key to get in. The outside and surrounding grounds remain out of compliance with the AWA. Litter boxes that appear unclean, pet carriers and a bucket of used litter scoops are piled up at the front entrance of the cat house and extend down the wooden ramp to the side of the building. The wooden ramp remains unsealed.

Inspection Results

Date of inspection

Disapproved

Dec 4, 2015

Colonial Capitol Humane Society

Colonial Capitol Humane Society

New Bern

NC

Narrative Explanation

The wash station area remains unchanged. All clean animal dishes are exposed to the elements and wood surfaces remain here as well.

STORAGE BUILDINGS.

There are 3 storage buildings in the back yard kennel area. The 2 that were unlocked were unorganized and held debris and clutter. The locked unit I was denied access to had a heavy duty extension cord coming from the door with an unknown origin.

RECORDS.

I have been denied access to any and all animal records. I was told that they would be keeping records in the camper on the premises as this was to be the new office/medical space. There is no evidence of an office in here. Instead I find the housing of 13 rabbits.

Due to the denial of my access to the cat house, storage shed, any and all animal records, the increase in verified canine population that exceeds the number of dogs that their registration permits, and the unacceptable housing of this increase, I am disapproving this inspection.

I am also requiring immediate compliance with the AWA (Animal Welfare Act) for the following:

1. Adequate housing for all canines.
2. To be at or below the number of canines as listed on their registration.

☐ check here if a euthanasia inspection form is attached

Digital signature
of inspector**Lisa
Carlson**

Digitally signed by Lisa Carlson
DN: cn=Lisa Carlson,
o=NCDACS, ou=Animal
Welfare,
email=lisa.carlson@ncagr.gov,
c=US
Date: 2015.12.07 13:56:02
-05'00'

**Signature of
Management**

I attest that I was offered an opportunity to read the report before signing it & that I was offered a copy of the report. My signature does not imply that I agree with the results.

Animal Welfare Section
NC Department of Agriculture and Consumer Services
1030 Mail Service Center
Raleigh, NC 27699-1030
 phone: (919) 715-7111 FAX: (919) 733-6431
 e-mail: aws.agr@ncagr.gov
 URL: www.ncaws.com

Inspection Results

Date of inspection

Disapproved

Dec 29, 2015

Type of inspection Follow-up inspection

Type of runs Indoor + Outdoor runs

license type 40 - Private Shelter

License # 109

dogs present 60

cats present 142

Number of prim. enclosures

90

35.06374

Latitude

77.03176

Longitude

Colonial Capitol Humane Society

Colonial Capitol Humane Society

Name of business

Name of owner

1860 Old Airport Road

New Bern

NC 28560

Craven

Street address

City

ZIP code

County

+1 (252) 633-0146

Phone Number

Facilities

Inspection Category	Result	Inspection Category	Result	Inspection Category	Result
0201 Housing in sound repair	NOT ACCEPTABLE	0201 Daily waste removal	Acceptable	0201 Perimeter Fence	Acceptable
0201 Meets electrical code	Acceptable	0201 Hot and cold water present	Acceptable	0201 Adequate drainage	NOT ACCEPTABLE
0201 Safe electrical power	Acceptable	0201 Washroom basin and sink	Accept.	0201 Access to AWS employees	Acceptable
Food and bedding protected 0201	NOT ACCEPTABLE	0201 Thermometer present	Acceptable	0201 Compliance with welfare	NOT ACCEPTABLE
		0201 Animals in windows	Not applicable		

Records, shelter

Inspection Category	Result	Inspection Category	Result	Inspection Category	Result
Origin of animals 0101	NOT ACCEPTABLE	Location off-site 0101	NOT ACCEPTABLE	Disposition of animals 0101	NOT ACCEPTABLE
0101 Descript. of animals, shelter	Not Acceptable			Veterinary treatment, shelter 0101	NOT ACCEPTABLE

Records, kennel

Inspection Category	Result	Inspection Category	Result	Inspection Category	Result
0102 Owner information & signature	Not Applicable	0102 Description of animals, kennel	Not Applicable	0102 Veterinary treatment, kennel	Not Applicable

Records, inspection

Inspection Category	Result	Inspection Category	Result	Inspection Category	Result
0103 Records made available	NOT ACCEPTABLE	0103 Records match animals	NOT ACCEPTABLE	0103 Records kept 1+ year	NOT ACCEPTABLE

Animal Welfare Section, NCDA&CS Inspection Report, continued		Inspection Results Disapproved		Date of inspection Dec 29, 2015	
Colonial Capitol Humane Society		Colonial Capitol Humane Society		New Bern NC	
Indoor facilities					
Inspection Category	Result	Inspection Category	Result	Inspection Category	Result
0202 Ambient temperature, indoor	Acceptable	0202 Ventilation, indoor	NOT ACCEPTABLE	0202 Lighting, indoor	Acceptable
0202 Imperv./Sanitary surf., indoor	Acceptable	0202 Drainage, indoor	Acceptable		
Outdoor facilities					
Inspection Category	Result	Inspection Category	Result	Inspection Category	Result
0203 Impervious surfaces, outdoor	NOT ACCEPTABLE	0203 Housing, 1 per animal	NOT ACCEPTABLE	0203 Protection from elements	Acceptable
0203 Owner advised, outdoor	Not Applicable	0203 Drainage, outdoor	NOT ACCEPTABLE		
Primary enclosures					
Inspection Category	Result	Inspection Category	Result	Inspection Category	Result
0204 Drainage prev. cross contam.	NOT ACCEPTABLE	0204 Fence height \geq 5 feet	Acceptable	0204 1:10 ratio, person: animal	Acceptable
0204 Surf. impervious to moisture	NOT ACCEPTABLE	0204 Enclosure is escape proof	Acceptable	0204 Cats, \geq 4 sq. ft. / adult	NOT ACCEPTABLE
0204 Prevent contact with wood	NOT ACCEPTABLE	0204 Solid resting surface	NOT ACCEPTABLE	0204 Cats, \leq 12 / enclosure	NOT ACCEPTABLE
0204 Enclosures in sound repair	NOT ACCEPTABLE	0204 Cats, raised resting surface	Acceptable	0204 Cats, 1 litter pan / 3 adults	NOT ACCEPTABLE
0204 Size of enclosure	Acceptable	0204 Dogs, supervision if $>$ 4	NOT ACCEPTABLE		
Feeding					
Inspection Category	Result	Inspection Category	Result	Inspection Category	Result
0205 Feeding, 1x / day, adult	Acceptable	0205 Feeding, 1 bowl / adult	Acceptable	0205 Feeding, commercial food	Acceptable
0205 Feeding, bowl in good repair	Acceptable	0205 Feeding, quality food	Acceptable	0205 Feeding, bowl is protected	Acceptable
0205 Feeding, 2x / day, young	Acceptable				
Watering					
Inspection Category	Result	Inspection Category	Result		
0206 Watering, continuous access	Acceptable	0206 Watering, bowl in good repair	Acceptable		
Sanitation/Employees/Classification & Separation					
Inspection Category	Result	Inspection Category	Result	Inspection Category	Result
0207 Waste removal 2x / day	NOT ACCEPTABLE	0207 Grounds overgrown	NOT ACCEPTABLE	0207 Young given social interact.	NOT ACCEPTABLE
0207 Animals removed while clean	NOT ACCEPTABLE	0207 Pest Control	NOT ACCEPTABLE	0207 Species separated	Acceptable

Animal Welfare Section, NCDA&CS Inspection Report, continued		Inspection Results Disapproved		Date of inspection Dec 29, 2015	
Colonial Capitol Humane Society		Colonial Capitol Humane Society		New Bern NC	
Sanitation/Employees/Classification & Separation (continued)					
Inspection Category	Result	Inspection Category	Result	Inspection Category	Result
0207 Enclosure sanitized 2x / day	NOT ACCEPTABLE	0207 Number of employees	NOT ACCEPTABLE	0207 Isolation area & signage	NOT ACCEPTABLE
0207 Method of sanitation	NOT ACCEPTABLE	0207 Females in estrus, separated	Acceptable	0207 Long term care program	NOT ACCEPTABLE
0207 Build/grnds., clean & repair	NOT ACCEPTABLE	0207 Owner perm, commingling	Not Applicable	0207 Animals confined	Acceptable
		0207 Young with dam	Acceptable		
Veterinary Care					
Inspection Category	Result	Inspection Category	Result	Inspection Category	Result
0210 Program of veterinary care	NOT ACCEPTABLE	0210 Daily observation of animals	NOT ACCEPTABLE	0210 Rabies vaccination	Acceptable
0210 Veterinary care when needed	Not Acceptable				
Vehicles					
0301 Vehicles mechanically sound	Not Applicable	0301 Fresh air and ventilation	Not Applicable	0301 Cargo area clean	Not Applicable
Primary Enclosure Used in Transportation					
Inspection Category	Result	Inspection Category	Result	Inspection Category	Result
0302 Construction of enclosure	Not Applicable	0302 Age and species separated	Not Applicable	0302 Size of transport enclosure	Not Applicable
0302 Enclosure clean & sanitized	Not Applicable				
Transportation: Food and Water			Transportation: Care		
Inspection Category	Result		Inspection Category	Result	
0303 Food & water during transport	Not Applicable		0304 Observation of animals	Not Applicable	
General Statute 19A-32.1					
(a) Hold minimum 72 hours	Acceptable	(b) 1, 2, 3 Make available for adopt.	Acceptable	(c) Viewing 3 days for 4 hours each	Acceptable
(d) If animal offsite, photo of animal posted in conspicuous location	NOT ACCEPTABLE	(f) 1, 2, 3 Animals were returned to owner, adopted or euth only	NOT ACCEPTABLE	(g) i, ii Owner surrender held unless proof ownership & signed consent	NOT ACCEPTABLE
(h) Owned animal surrender, ask if there has been a bite w/in 10 days	NOT ACCEPTABLE	(i) Release animal to person, record of approved government photo ID	NOT ACCEPTABLE		

Inspection Results

Date of inspection

Disapproved

Dec 29, 2015

Colonial Capitol Humane Society

Colonial Capitol Humane Society

New Bern

NC

Narrative Explanation

This follow up inspection for prior disapproved inspection was performed by myself, Dr. Norris and Supervisor Joe Blomquist. The following are the issues and concerns revisited from the December 4th disapproval and new issues as well.

DOG KENNELS.

The canine population has, once again, increased. There are now a total of 60 dogs in this area. The added enclosures remain with the exception of 2 that have been removed. None of these are in compliance and several pose as potential for injury due to the materials used to construct them. Exposed wire fencing on the bare dirt floors that due to heavy rain has turned said dirt to mud. Wooden palettes, particle board and plywood that has been chewed on, rained on, urinated and defecated on, as well as 2 wooden dog houses remain. Rusty poles and fencing are still up. One of these type kennels is set up under the front end of the trailer that is housing the rabbits. The canine in here is exposed to hanging wire fencing that has been used to cover the top. Drainage is non existent in or outside of these kennels. (0204) The pre existing kennels remain unchanged. The first pen has 2 large dogs and only 1 dog house. (0203) There are 5 canines in one pen without supervision. (0204)(e) Each kennel floor has broken concrete and holes, most are without cross contamination barriers, there is rusty wire and fencing posts and several places throughout these kennels there is damaged fencing. (0204) Adequate drainage is non existent for these kennels as well. (0203) The kennels are cleaned once a day by one person. (0207)(b) We observed that during this process that no dog was let out or removed from its kennel. (0207)(a) There is one volunteer to clean all of these pens. (0208) Adequate, required cleaning is not being achieved due to the state of these kennels and person to canine ratio. (0204) Piles of molding feces in different stages of decay were found in many of the enclosures. (0207)(a) There was a dog being housed in the shed that I was not granted access to last time I was here. There were 2 other wire crates in this shed that appeared to have had dogs in them as well. There are no solid approved resting surfaces in any of the primary enclosures. (0204)

Inspection Results

Date of inspection

Disapproved

Dec 29, 2015

Colonial Capitol Humane Society

Colonial Capitol Humane Society

New Bern

NC

Narrative Explanation

When Supervisor Blomquist asked the volunteer how she cleans a dirt/mud kennel floor her response to him was she used Lyme. This is not acceptable as it is a toxic irritant. They also are aware that dirt, mud and wood are not acceptable ground coverings. (0203)

CAT HOUSE.

We were able to access the cat house today. There were 3 volunteers in here in the process of cleaning.

Issues are as follows:

Numbers have increased and the population in here exceeds the allowed number in which they have adequate space for. There is no identification for these cats. (0103) Ventilation is poor. (0202) There is no adequate isolation. (0209)(5) Wooden and carpet type cat towers that are damaged are not allowed yet are in here. (0204) There are not enough litter boxes to accommodate these high feline numbers. (0204)(g) Several of these boxes have been scooped yet not cleaned thoroughly and dried loose feces is evident on the inside side of the boxes. (0207)(a) The small refrigerator in here is holding car keys and open sodas inside along with animal medications. There are unlabeled and mislabeled medications and cleaning products. The plastic closet that holds medications and various other things is in need of a good cleaning and organizing. (0207) There is not a approved medical log or kennel cards for cats receiving medications. (0101) Metal surfaces throughout this building are severely rusted and all door frames, door jams, window casings and cat doors are damaged. (0204)(0207)

There is a upper respiratory disease that has been ongoing for more than 30 days. The owner, as stated in the AWA (Animal Welfare Act), shall obtain and follow a veterinarians written recommendations for correcting the problem. (0210)(b) This has not been done.

☐ check here if a euthanasia inspection form is attached

Digital signature
of inspector

**Lisa
Carlson**

Digitally signed by Lisa Carlson
DN: cn=Lisa Carlson,
o=NCDACS, ou=Animal
Welfare,
email=lisa.carlson@ncagr.gov,
c=US
Date: 2016.02.23 09:34:39
-05'00'

Signature of
Management

I attest that I was offered an opportunity to read the report before signing it & that I was offered a copy of the report. My signature does not imply that I agree with the results.

Animal Welfare Section
NC Department of Agriculture and Consumer Services
1030 Mail Service Center
Raleigh, NC 27699-1030
phone: (919) 715-7111 FAX: (919) 733-6431
e-mail: aws.agr@ncagr.gov
URL: www.ncaws.com

Inspection date December 29, 2015

Colonial Capitol Humane Society

Name of business

Lisa Lee

Name of owner

1860 Old Airport Road

Street address

New Bern

City

NC

28560

ZIP code

Narrative Explanation, continued

RECORDS.

Once again we were denied access to any and all animal records. We were told that Lisa Lee is the only one who has access to them and she could not be there today. We will have to make a separate trip to view these.

(0101)(0103)

OUTSIDE GROUNDS.

The front of the building grounds and wash station area in behind the fence remain unchanged from previous inspection. Open bags of food and rodent dropping are noted in the front drop off donation shed. Bags of dirty laundry have filled up the open 3 sided structure that is next to the shed. (0207)(c)

☐ check here if additional pages of narrative are attached

☐ check here if a euthanasia inspection form is attached

Digital signature of inspector

Lisa Carlson

Digitally signed by Lisa Carlson
DN: cn=Lisa Carlson, email=Lisa.Carlson@ncagr.gov, o=NC Department of Agriculture and Consumer Services, ou=Animal Welfare Section, c=US
Date: 2015.12.29 16:04:55 -0500

Signature of
Management

Animal Welfare Section
NC Department of Agriculture and Consumer Services
1030 Mail Service Center
Raleigh, NC 27699-1030
phone: (919) 715-7111 FAX: (919) 733-6431
e-mail: aws.agr@ncagr.gov
URL: www.ncaws.com

Inspection date January 8, 2016

Colonial Capitol Humane Society

Name of business

Lisa Lee

Name of owner

1860 Old Airport Road

Street address

New Bern

City

NC

28560

ZIP code

Narrative Explanation, continued

This is the records review part of the inspection that took place on 12/29/2015. The records were not made available for us at that time. Today, 1/8/2016, myself and Dr. Norris met with Lisa Lee for this review. Dr. Norris addressed some of the findings from the 12/29/2015 inspection in which Ms. Lee was unable to attend. Records that were here today were unorganized and confusing. Ms. Lee was having a difficult time locating files and kept repeating "they are here somewhere". (0103) When shown pictures of dirty kennels and asked if she had a Policy and Procedure Manual and a Sanitation Protocol, Ms. Lee could not produce either. She did state that another group member takes care of these. (0101) Disposition forms are not being filled out on each animal. When asked why Ms. Lee stated she she didn't have enough time but she had information on each animal somewhere. (0101)(4) Medications are not being properly documented. There are no medication cards/sheets being utilized. (0101)(5) When asked about a dog out in the kennels that they call "Shrek", and why he had a body score of only 2, Ms. Lee said she had not been back in the kennels in over 2 weeks and that she did not no why it was not brought to her attention. (0210)(c) She could not supply an updated medical record at this time. (0101)(5) When asked what type of enrichment is provided to the long term canines housed here, Ms. Lee responded that a new volunteer had just started a program to get dogs out on walks. However, she could not provide any documentation for this. (0209)(6) When asked had she read the AWA (Animal Welfare Act) as it pertains to the full standards of minimum care of a private shelter, Ms. Lee stated "No" she had not. Dr. Norris explained in great detail to Ms. Lee the importance of her not only reading the guidelines but that it was Ms. Lee's obligation to the animals in her care to thoroughly know the requirements and implement them on a daily and on going basis. The ever increasing animal over population and herd health at the facility were also discussed in length. Dr. Norris gave Ms. Lee a copy of the AWA and stated several times throughout the inspection review to "Read and follow the guidelines". In addition, Ms. Lee was given the following list of paperwork to have complete and submitted to us within 30 days.

☐ check here if additional pages of narrative are attached

☐ check here if a euthanasia inspection form is attached

Digital signature of inspector

Lisa Carlson

Digitally signed by Lisa Carlson
DN: cn=Lisa Carlson, email=Lisa.Carson@ncagr.gov, c=US
Date: 2016.01.23 15:13:10 -0500

Signature of
Management

Animal Welfare Section
NC Department of Agriculture and Consumer Services
1030 Mail Service Center
Raleigh, NC 27699-1030
phone: (919) 715-7111 FAX: (919) 733-6431
e-mail: aws.agr@ncagr.gov
URL: www.ncaws.com

Inspection date January 8, 2016

Colonial Capitol Humane Society

Name of business

Lisa Lee

Name of owner

1860 Old Airport Road

Street address

New Bern

City

NC

28563

ZIP code

Narrative Explanation, continued

List as follows:

1. Ms. Lee is to seek immediate medical attention for "Shrek" and forward to us the medical records for this.
2. A complete, veterinarian approved, Cleaning and Sanitation Protocol for the facility.
3. Completed Disposition forms on all animals in and under the care of Colonial Capitol Humane Society that extends from May 2015 until present.
4. A list of all animals currently under the care of Colonial Capitol Humane Society that have a Disposition form and a list of all animals that have been under the care of and remain under the care of Colonial Capitol Humane Society before May 2015 that do not have a Disposition form. This list needs to have the dates that each animal came into and under Colonial Capitol Humane Societies care.
5. A complete, concise and signed Veterinarian Plan of Care for the Cat House. This should include proper isolation techniques and medical administration as well.
6. The use of medication/treatment/preventative medical forms with proper documentation of administration.
7. Documentation of any and all canine activities and kennel enrichment provided.

Dr. Norris has made it very clear to Ms. Lee that she had a window of 30 days to complete the following and submit it to us. Ms. Lee acknowledges her understanding of all the above

☐ check here if additional pages of narrative are attached

☐ check here if a euthanasia inspection form is attached

Digital signature of inspector

Lisa Carlson

Digitally signed by Lisa Carlson
DN: cn=Lisa Carlson, email=Lisa.Carlson@ncagr.gov, o=NC Department of Agriculture and Consumer Services, ou=Animal Welfare Section, c=US

Signature of
Management